

The Confederated Tribes of the Colville Reservation

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January 27, 2016

Dennis McLerran, Regional Administrator U.S. Environmental Protection Agency, Region 10 1200 Sixth Avenue, Suite 900 Seattle, WA 98101 (email address: McLerran.Dennis@epa.gov)

RE: Request for Consultation - Upper Columbia River Site

Dear Administrator McLerran:

I have been made aware of developments at the Upper Columbia River Site that require policy level consultation. At issue is the announcement made by EPA's Project Manager at the December 2015 UCR technical meeting that a comprehensive Baseline Ecological Risk Assessment was a mandatory prerequisite for Early/Interim Actions being considered at the Deadman's Eddy Bar (DMEB) within the Upper Columbia River Site. This announcement was unexpected in light of the work by the Early/Interim Action Work Group, contradicts EPA Guidance, and is a reversal of commitments made by your Program Manager in 2015 that he would present the Early/Interim Action Work Group's proposed Plan to Teck.

As a matter of background, in 2013 a delegation from the Colville Tribes along with the State of Washington met with you during a briefing with EPA Headquarters representatives and Department of Justice regarding concerns with the conduct and schedule of the UCR RI/FS. One big outcome of those discussions was that the Government Parties would meet and commit to greater collaboration, and participate in a comprehensive evaluative meeting the same year. In November 2013 and January 2014 evaluative meetings were held in Seattle with the purpose of identifying steps that could be taken under the current agreement between Teck and the U.S. to expedite remediation of the UCR Site.

Following those discussions, a number of constraints as well as next steps were identified, including the formation of workgroups and development of a plan for expediting the RI/FS and implementation of Interim Actions. The Tribe felt there was a consensus to move forward with expediting the RI/FS and seriously evaluating Interim Actions. As part of our discussions, Dennis Faulk agreed to meet with Teck. I understand that this meeting did occur. However, it is unclear what commitments, if any, were made at this meeting.

It is my understanding that with completion of the Screening Level Risk Assessment (SLERA) the EPA is now in a position to direct Teck to begin planning for removal(s) at the site. However, from the statements made at the December 2015 meeting it appears to the Tribe that the EPA does not intend to require Teck to perform interim remedial actions. This is unacceptable to the Colville Tribes, and I would like to meet with you as soon as possible to

discuss matter For your convenience I am attaching a letter sent to EPA's project manager that outlines the Tribe's position in greater detail. Please let me know as soon as possible about your availability to meet in Seattle or Nespelem. I appreciate your time and consideration, and look forward to continued dialogue on this important matter,

Sincerely,

Michael Marchand Vice Chairman

Attachment:

CCT letter to EPA 1-20-16